

JC07 Rec'd PCT/PTO 22 OCT 2001

FORM PTO-1390 (Modified)
(REV 5-93)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S SOCIETY NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

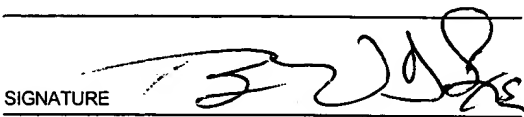
09/889098
072330-0102

INTERNATIONAL APPLICATION NO. PCT/DE00/00068		INTERNATIONAL FILING DATE January 11, 2000	U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/889,098
TITLE OF INVENTION METHOD FOR INDUCING OR PROMOTING AN ANTHOCYANIN COLORATION IN PLANTS AND/OR FRUIT WHICH BASICALLY PRODUCE ANTHOCYANIN		PRIORITY DATE CLAIMED January 11, 1999	
APPLICANT(S) FOR DO/EO/US Guenther SCHERER			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> has been transmitted by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been transmitted by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input checked="" type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input checked="" type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>11. <input checked="" type="checkbox"/> Applicant claims small entity status under 37 CFR 1.27.</p>			
Items 12. to 17. below concern other document(s) or information included:			
<p>12. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>13. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>14. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input checked="" type="checkbox"/> Other items or information: Copy of Notification of Missing Requirements and Verified Statement of Translation.</p>			

10/24/2001 UEDUWIJE 00000072 09889098

01 FC:254

65.00 DP

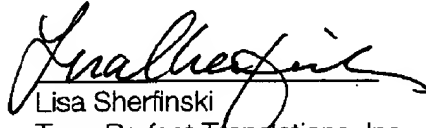
U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50 09/889,098		INTERNATIONAL APPLICATION NO. PCT/DE00/00068		ATTORNEY'S DOCKET NUMBER 072330-0102	
18. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS	
Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO.....\$890.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$710.00					
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))\$740.00					
Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,040.00					
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)\$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 Months from the earliest claimed priority date (37 CFR 1.492(e))				\$130.00	
Claims	Number Filed	Included in Basic Fee	Extra Claims	Rate	
Total Claims	-	20	= 0	\$18.00	
Independent Claims	-	3	= 0	\$84.00	
Multiple dependent claim(s) (if applicable)				\$280.00	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
Reduction by 1/2 for filing by small entity, if applicable.				\$65.00	
SUBTOTAL =				\$65.00	
Processing fee of \$130.00 for furnishing English translation later the 20 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$0.00	
TOTAL NATIONAL FEE =				\$65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$0.00	
TOTAL FEES ENCLOSED =				\$65.00	
				Amount to be: refunded \$	
				charged \$	
a. <input checked="" type="checkbox"/> A check in the amount of \$65.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of \$0.00 to the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Foley & Lardner Washington Harbour 3000 K Street, N.W., Suite 500 Washington, D.C. 20007-5109					
				SIGNATURE 	
				NAME BERNHARD D. SAXE	
REGISTRATION NUMBER 28,665					



TRANSPERFECT | TRANSLATIONS

AFFIDAVIT OF ACCURACY

I, Lisa Sherfinski, hereby certify that the following is, to the best of my knowledge and belief, a true and accurate translation of the enclosed documents from German into English.


Lisa Sherfinski
TransPerfect Translations, Inc.
1101 Pennsylvania Ave., NW
Washington, DC 20004

Sworn to before me this
22nd day of October, 2001


Signature, Notary Public

Irma B. Gamboa
Notary Public, District of Columbia
My Commission Expires 10-14-2006

Stamp, Notary Public
District of Columbia



[First two lines illegible]

(51) International Patent Classification 7
A01G 7/04, A01H 3/02 A1

International Publication No.: WO 00/41557

(43) International Publication
Date: July 20, 2000 (07/20/00)

(21) International File No.: PCT/DE00/00068

(22) International Application Date: January 11, 2000 (01/11/00)

(30) Priority Dates:
199 00 616.4 January 11, 1999 (01/11/99)

(71)(72) Applicant and inventor: SCHERER, Günther [DE/DE];
Immenweg 14, D-30827 Garbsen-Beerenbostel (DE).

(74) Attorney: LÄUFER, Martin Gramm, Lins & Partners GbH,
Koblenzer Str. 21, D-30173 Hannover (DE).

(81) Destination Countries: [see source] European patent ([see source])

Published

With international search report.

Changes to claims permissible before expiration of deadline: Publication will be repeated if any changes are made.

(54) [Title: see source for English]

(57) [Abstract: see source for English]

FOR INFORMATION ONLY

Codes for identifying PCT contract countries on the letterheads, which publish applications in accordance with PCT.

[See source for list]

COMPUTER UPDATED
FDS
UNITED STATES PATENT AND TRADEMARK OFFICECommissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889098	SCHERER	G 072330-0102
INTERNATIONAL APPLICATION NO.		
PCT/DE00/00068		
I.A. FILING DATE	PRIORITY DATE	
11 JAN 00	11 JAN 99	

BERNHARD D SAXE
FOLEY & LARDNER
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 500
WASHINGTON, DC 20007 5109

DATE MAILED: 22 AUG 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
 - ☒ Copy of the international application.
 - ☐ Oath or Declaration of inventors(s).
 - ☐ Copy of Article 19 amendments.
 - ☒ Priority Document.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☐ Indication of Small Entity Status.
 - ☐ Translation of the international application into English.
 - ☐ Translation of Article 19 amendments into English.
 - ☐ Other:
2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- ☐ U.S. Basic National Fee.
 - ☐ Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- ☒ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.
- ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**
- The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).
6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

4 copy of this notice MUST be returned with this response.

- ☐ Notice of Defective Translation
- ☐ PCT/DO/EO/920

Winston M Alvarado
Telephone: 703-305-6421